

2-21-01

HR

STATE OF FLORIDA
DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION
FLORIDA REAL ESTATE COMMISSION

Final Order No. BPR-2001-02600 Date: 6-8-01
FILED

DEPARTMENT OF BUSINESS AND
PROFESSIONAL REGULATION,
DIVISION OF REAL ESTATE

Department of Business and Professional Regulation
AGENCY CLERK
Sarah Wachman, Agency Clerk

By: Brandon M. Nichols

Petitioner

vs.

LARRY MORRIS,
INVESTMENT MARKETING, INC.

CASE NO. 9882424
9980449
9980450
DOAH NO. 99-3075

JBC

Respondents

FINAL ORDER

On April 18, 2001, pursuant to Sections 120.569 and 120.57(1) of the Florida Statutes, the Florida Real Estate Commission heard this case to issue a Final Order.

Administrative Law Judge Jeff B. Clark, of the Division of Administrative Hearings presided over a formal hearing on this cause, on November 9, 2000. On February 21, 2001, he issued a Recommended Order (RO), which the Florida Real Estate Commission reviewed as to all Findings of Fact, Conclusions of Law and Recommendations. A copy of the RO is attached hereto as Exhibit A and made a part hereof.

Respondent filed Exceptions to the Recommended Order, which is attached hereto as Exhibit B and made a part hereof.

After completely reviewing the record and being otherwise fully advised on the premises, the Commission accepts Respondents' Exception No. 1, which addresses paragraph no. 15 of the Findings of Fact in the Recommended Order because it lacked a basis of competent and substantial evidence.

The Commission rejects Exception No. 2 of the Conclusions of Law in the Recommended Order. The Commission finds that paragraph no. 34 is based upon competent and substantial evidence.

The Commission rejects Exception No. 3 of the Conclusions of Law in the Recommended

Order. The Commission finds that paragraph no. 36 is based upon competent and substantial evidence.

The Commission rejects Exception No. 4 of the Conclusions of Law in the Recommended Order. The Commission finds that paragraph no. 37 is based upon competent and substantial evidence.

The Commission rejects Exception No. 5 of the Conclusions of Law in the Recommended Order. The Commission finds that paragraph no. 39 is based upon competent and substantial evidence.

The Commission rejects Exception No. 6, which addresses the Recommendation found in the Recommended Order.

The Commission rejects Exception No. 7, which addresses the Recommendation found in the Recommended Order.

The Commission finds that Respondent Morris violated Section 475.25(1)(c) and 475.25(1)(e) of the Florida Statutes, and Florida Administrative Code Rule 61J2-14.012(2) and (3); 14.008(1)(c).

The Commission finds that Respondent Investment Marketing, Inc. violated Florida Administrative Code Rules 61J2-14.012(2) and (3) and 61J2-14.008(1)(c) and Section 475.25(1)(e), Florida Statutes.

Based upon a complete review of the record and after being fully advised, the Commission accepts Exception 1 and rejects all other Exceptions filed by Respondents.

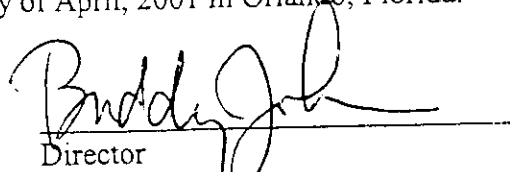
Therefore, based upon a complete review of the record and Exceptions to the Recommended Order, the Commission rejects the Administrative Law Judge's recommended penalty and **ORDERS** that Respondent Morris' real estate license be suspended for six months and Respondent Morris pay an administrative fine of \$3,000. Respondent Investment Marketing is reprimanded and required to pay an administrative fine of \$2,000.

This Final Order shall be effective thirty days from date of filing with the Clerk of the Department of Business and Professional Regulation. However, any party affected by this Order has the right to seek judicial review, pursuant to Section 120.68 of the Florida Statutes, and to Section 9.110 of the Florida Rules of Appellate Procedure.

Within thirty days of the filing date of this Final Order, review proceedings may be instituted by filing a Notice of Appeal with the Clerk of the Department of Business and Professional Regulation at Suite 309, North Tower, 400 West Robinson Street, Orlando, Florida

32801. At the same time, a copy of the Notice of Appeal with applicable filing fees must be filed with the appropriate District Court of Appeal.

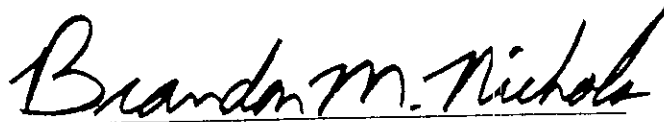
DONE AND ORDERED this 18th day of April, 2001 in Orlando, Florida.



Director
Division of Real Estate

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing was sent by U.S. Certified Mail to: Steven Johnson, Esquire, 1801 E Colonial Drive #101, Orlando, Florida 32803; the Division of Administrative Hearings, 1230 Apalachee Parkway, Tallahassee, FL 32399-3060; and a copy provided to Nancy Campiglia, Esquire, DBPR, Post Office Box 1900, Orlando, FL 32802, this 8th day of June 2001.



Brandon M. Nichols